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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

10 Respondent,

2:00-cr-0564-GEB-KJM-P

11 vs.

12 SANTOS AYON RIVAS,

13 Movant.

ORDER

14 _____/
15 Movant, a prisoner proceeding pro se, has filed a motion to vacate, set aside, or
16 correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States
17 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

18 On January 13, 2006, the magistrate judge filed findings and recommendations
19 herein which were served on all parties and which contained notice to all parties that any
20 objections to the findings and recommendations were to be filed within twenty days. Movant
21 has filed objections to the findings and recommendations.¹

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24 ¹ In his objections, movant's counsel argues that movant was not informed of his right to
25 have a jury determine whether his possession of firearms was related to the drug offenses as well
26 as drug quantity. Because movant did not raise the issue of firearm possession in his original
motion, the court will not consider it.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
2 304, this court has conducted a de novo review of this case. Having carefully reviewed the
3 entire file, the court finds the findings and recommendations to be supported by the record and by
4 proper analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. The findings and recommendations filed January 13, 2006, are adopted in full;
7 2. Movant's July 14, 2003 motion to vacate, set aside, or correct his sentence
8 under 28 U.S.C. § 2255 is denied; and

9 3. The Clerk of the Court is directed to close the companion civil case, No. CIV
10 S- 03-1497 GEB KJM P.

11 Dated: March 27, 2006

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13 /s/ Garland E. Burrell, Jr.
14 GARLAND E. BURRELL, JR.
15 United States District Judge
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